

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-19 were pending in this application when last examined.

Claims 1 and 3 were examined on the merits and stand rejected.

Claims 2 and 4-19 were withdrawn as non-elected subject matter.

Claims 1 and 3 are cancelled without prejudice or disclaimer thereto.

Claims 20-23 are newly added. Support for these claims can be found on page 3, lines 13-24, of the specification as filed.

Further, support for “10nM - 1 μ M” in claim 20 can be found in Examples 1-4 and 5 of the specification as filed. In particular, the specification discloses that BALB/c 3T3 is cultured in a medium comprising 10nM – 1 μ M ECP which causes promotion of fibroblast proliferation. Thus, the range 10nM – 1 μ M ECP would be understood by a person of skill in the art of causing promotion of stress fiber formation.

Support for “100ng/ml” in claim 21 can be found in Example 7 on pages 18-19 of the specification as filed.

Support for “10ng – 1 μ g/ml” in claim 22 can be found in Example 8 on pages 19-20 of the specification as filed.

Finally, support for “1ng/ml” in claim 23 can be found in Example 9, Figure 11 and the brief description of the drawings.

Thus, no new matter has been added.

II. ENABLEMENT REJECTION

In item 3 on pages 3-6 of the last Office Action, claim 1 was rejected under 35 U.S.C. § 112, first paragraph, for failing to meet the enablement requirement. In order to expedite prosecution and without acquiescence to the correctness of this rejection, this claim is cancelled and therefore this rejection is overcome.

Furthermore, it is noted that the new claims are directed towards medium compositions and therefore this rejection is inapplicable to these new claims.

III. WRITTEN DESCRIPTION REJECTION

In item 7 on pages 6 and 7 of the Office Action, claims 1 and 3 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. In order to expedite prosecution and without acquiescence to the correctness of the rejection, these claims are cancelled and therefore this rejection is moot.

IV. ANTICIPATION REJECTION

In item 8 on page 7 of the Office Action, claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as anticipated by Tai et al.

In order to expedite prosecution and without acquiescence to this rejection, these claims have been cancelled and therefore this rejection is moot.

Furthermore, in regard to the new claims, Applicants note that Tai et al. disclose that they added the ECP to rat heart cells at a concentration of 40, 80, 120 160 ng/ml. However, this ECP is different from the ECP used in the claimed invention. The ECP used in the Tai et al. reference is blood-derived ECP. Blood-derived ECP has sugar chain and has cytotoxic effect.

Meanwhile, the ECP of the claimed invention does not have sugar chain because it is purified by genetic engineering.

Therefore, the ECP used in the claimed invention is different from Tai et al.

V. OBVIOUSNESS REJECTION

In item 10 on pages 8-9 of the Office Action, claims 1 and 3 were rejected under 35 U.S.C. 103(a) as obvious over WO 01/85766 as evidenced by "Volume of Blood in A Human" edited by Glenn Elert. Applicants note that in order to expedite prosecution and without acquiescence to the correctness of this rejection, claims 1 and 3 have been cancelled and therefore this rejection is moot.

Furthermore, in regard to the new claims, it is obvious that the claimed composition is different from the composition in WO 01/85766 because WO 01/85766 discloses use of a mutant

ECP lacking an arginine 97 of wild type ECP. Therefore, WO 01/85766 and "Volume of Blood in A Human" fail to suggest the claimed invention.

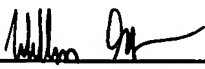
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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